

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Kenneth T. Heruth;

Keith A. Miesel

Confirmation No.

1024

Serial No.:

10/826,925

Filed:

April 15, 2004

Customer No.:

28863

Examiner:

Unknown

Group Art Unit:

3736

Docket No.:

1023-350US01

Title:

COLLECTING SLEEP QUALITY INFORMATION VIA A MEDICAL

DEVICE

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on June 14, 2006.

Name: Connie M. Scheff

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendments Commissioner for Patents Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This statement is being filed, to the best of Applicant's knowledge, before the receipt of a first Office Action on the merits.

Applicant has enclosed a copy of each article cited and each foreign document cited. Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

Respectfully submitted,

Date:

Shumaker & Sieffert, P.A.

8425 Seasons Parkway, Suite 105

6-14-06

St. Paul, Minnesota 55125 Phone: (651) 735-1100

Fax: (651) 735-1102

By Jason D. Kelly

Form 1449* \ JUN 1 6 2006 Docket Number: **Application Number:** 1023-350US01 10/826,925 INFORMATION DISCLE Applicant: Kenneth T. Heruth; Keith A. Miesel IN AN APPLICATION Filing Date: Group Art Unit: (Use several sheets if necessary) April 15, 2004 3736 Examiner Name: Unknown **U.S. PATENT DOCUMENTS Document Number** Issue/Document Examiner Name Filing Date If Initial **Publication Date** Appropriate 5,125,412 06/30/1992 Thornton 5,335,657 Terry, Jr. et al. 08/09/1994 5,337,758 08/16/1994 Moore et al. 5,593,431 01/14/1997 Sheldon 5,732,696 03/31/1998 Rapoport et al. Allum 5,919,149 07/06/1999 6,045,513 04/04/2000 Stone et al. 6,059,576 05/09/2000 Brann 6,095,991 08/01/2000 Krausman et al. 6,120,467 09/19/2000 Schallhorn 6,165,143 12/26/2000 van Lummel 2002/0077562 06/20/2002 Kalgren et al. 07/11/2002 2002/0091308 Kipshidze et al. 6,459,934 B1 10/01/2002 Kadhiresan 2002/0161412 10/31/2002 Sun et al. FOREIGN PATENT DOCUMENTS Examiner **Document Number** Publication Country Translation Initial Date Yes No 0 849 715 B1 06/24/1998 **EPO** Abstract 1 195 139 A1 04/10/2002 **EPO** 1 308 182 A2 05/07/2003 **EPO** 1 437 159 A1 07/14/2004 **EPO** 2 330 912 05/05/1999 Great Britain WO 01/37930 05/31/2001 **PCT** OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication) "Watch," Wikipedia, the free encyclopedia, 6 pgs., http://en.wikipedia.org/wiki/Watch, (2006). "IBM & Citizen Watch develop Linux-based 'WatchPad'," 5 pgs., http://www.linuxdevices.com/news/NS6580187845.html, (2006). Tuisku, Katinka, "Motor Activity Measured By Actometry in Neuropsychiatric Disorders," Department of Psychiatry, University of Helsinski, Helsinki, Finland, 115 pgs., (2002). **EXAMINER Date Considered** *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Based on Form PTO-FB-A820 (Also form PTO-1449)

Patent and Trademark Office, U.S. Department of Commerce

Form 1449* Docket Number: Application Number: 1023-350US01 10/826,925 INFORMATION DISCLOSURE Applicant: **STATEMENT** Kenneth T. Heruth; Keith A. Miesel IN AN APPLICATION Filing Date: Group Art Unit: April 15, 2004 3736 (Use several sheets if necessary) Examiner Name: Unknown **U.S. PATENT DOCUMENTS** Examiner Issue/Document Filing Date If **Document Number** Name Appropriate Initial **Publication Date** 2002/0169485 11/14/2002 Pless et al. 2002/0193697 12/19/2002 Cho et al. 12/19/2002 Cho et al. 2002/0193839 2003/0004423 01/02/2003 Lavie et al. 6,539,249 B1 03/25/2003 Kadhiresan et al. 2003/0139692 07/24/2003 Barrey et al. 2003/0149457 08/07/2003 Tcheng et al. 2003/0153953 08/14/2003 Park et al. 08/28/2003 Poezevera et al. 2003/0163059 2003/0212445 11/13/2003 Weinberg 6,659,968 B1 12/09/2003 McClure Florio 2004/0002742 01/01/2004 2004/0015103 01/22/2004 Aminian et al. 2004/0049132 03/11/2004 Barron et al. 2005/0042589 02/24/2005 Hatlestad et al. 2005/0113710 05/26/2005 Stahmann et al. FOREIGN PATENT DOCUMENTS **Document Number** Publication Country Translation Examiner Initial Date WO 02/28282 04/11/2002 **PCT PCT** WO 02/087433 11/07/2002 12/19/2002 **PCT** WO 02/100267 WO 03/051356 06/26/2003 **PCT** 03/31/2005 **PCT** WO 05/028029 04/21/2005 **PCT** WO 05/035050 OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication) Kassam, M., "2005 EDP Topic 'MK4': Tremor Data-Logger for Parkinson's Disease Patients," http://www.ee.ryerson.ca/~courses/edp2005/MK4.html, 3 pgs., (2006). "Design Competition: Runners-Up for the Best Three Designs," EPN, vol. 26, no. 1, (2002). "MiniMitter® Physiological and Behavioral Monitoring for Humans and Animals," http://www.minimitter.com/Products/Actiwatch, 3 pgs., (2006). **Date Considered EXAMINER** *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in

conformance and not considered. Include copy of this form with next communication to applicant.

Based on Form PTO-FB-A820

Patent and Trademark C